IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 28449 of 1997

Dated 24th January, 2007

Between

Ankam Chellayamma

...Petitioner

and

The Gram Panchayat, Velugubanda,
Rep. By its Group Executive Officer,
Rajanagaram Mandal, EG District, and, ors.

...Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 28449 of 1997

ORDER:

In this Writ Petition, the petitioner seeks Writ of Mandamus, to declare the action of the respondents in taking steps to dispossess her from the land admeasuring Ac.5.02 cents covered by Sy.No. 442/1D of Velugubanda Village, Rajanagaram Mandal, East Godavari district, as illegal and arbitrary.

It is stated in the affidavit filed in support of the Writ Petition, that the land admeasuring Ac.5.02 cents covered by Sy.No. 442/1D of Velugubanda village is her ancestral property, which was inherited by her late husband and

thereafter by the petitioner. It is stated that the said land is being used for agricultural purpose. It is further stated that an extent of Ac.3.00 cents was sold to the fifth respondent. It is the grievance of the petitioner that though the first respondent is not having any authority to evict the petitioner, but however, steps are being taken to evict the petitioner from the land in question and the said action is politically motivated.

This Court, at the first instance, granted interim direction on 29-10-1997 not to dispossess the petitioner from the land admeasuring Ac. 5.02 cents covered by Sy.No.442/1D. However, by order dated 20-2-1998 the same is confined to Ac.2.02 cents.

Though the Writ Petition is of the year 1997, no counter affidavit is filed on behalf of the respondents 1 to 4.

As it is the case of the petitioner that the said land admeasuring Ac.2.02 cents out of Ac.5.02 cents covered by Sy.No.442/1D is a private patta land, which is being used for agricultural purpose, and, in absence of any counter affidavit on behalf of the respondents 1 to 4, I dispose of the Writ Petition directing the respondents not to dispossess the petitioner from the above said land otherwise than by due process of law. However, it is made clear that if the land belongs to gram panchayat, it is open for the respondents to take steps in accordance with law. No order as to costs

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JUSTICE R. SUBHASH REDDY

DATE: 24-01-2007
Msnr.